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OFFICE OF PETITIONS

In re Application of	:	
Hasegawa	:	
Application No. 10/045,397	:	DECISION GRANTING
Filed: November 7, 2001	:	PETITION
Attorney Docket No. 2552-000004	:	

This is a decision on the petition filed April 4, 2002, to establish that Figure 7 was part of the originally filed application.

On November 7, 2001, the application was filed.

On March 6, 2002, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of November 7, 2001, and advising applicants that Figure 7 described in the specification appeared to have been omitted.

In response, the present petition was filed alleging that Figure 7 was deposited on November 7, 2001. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "7 sheets of drawings showing Figures 1-8" on November 7, 2001.¹ Petitioner has also submitted a copy of the missing documentation- page 6 of the drawings which consists of Figure 7.

Upon review of the record, Figure 7 deposited on November 7, 2001 has not been located. However, the evidence is convincing that the application papers deposited on November 7, 2001, included Figure 7, and that Figure 7 was subsequently misplaced in the PTO.

In view of the above, the petition is **granted**. The copy of Figure 7 submitted with the petition will be used for examination purposes.

Since petitioner has proven that Figure 7 was deposited with the original application papers, the petition fee of \$130 will be credited to petitioner's deposit account.

The Notice mailed March 6, 2002, was sent in error and is hereby vacated.

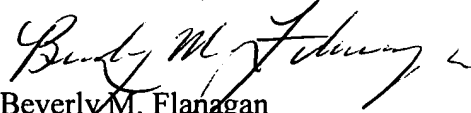
The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 7, 2001, using the application papers filed on November 7, 2001 and the copy of page 6 of the drawings, consisting of Figure 7, filed on April 4, 2001.

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



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